

1 BAKER BOTTS L.L.P.
2 Robert C. Scheinfeld (*Pro Hac Vice*)
3 Eric J. Faragi (*Pro Hac Vice*)
4 Michael E. Knierim (*Pro Hac Vice*)
5 30 Rockefeller Plaza, 44th floor
6 New York, New York 10112
7 (212) 408-2500; (212) 408-2501 (fax)
8 robert.scheinfeld@bakerbotts.com
9 eric.faragi@bakerbotts.com
10 michael.knierim@bakerbotts.com

11 Eliot D. Williams (SBN 290780)
12 Elizabeth K. Boggs (SBN 28055)
13 1001 Page Mill Road
14 Building One, Suite 200
15 Palo Alto, California 94304
16 (650) 739-7500; (650) 739-7611 (fax)
17 eliot.williams@bakerbotts.com
18 betsy.boggs@bakerbotts.com

19 Attorneys for GrubHub Holdings Inc.

20 **UNITED STATES DISTRICT COURT**
21 **SOUTHERN DISTRICT OF CALIFORNIA**

22 IN RE: AMERANTH
23 PATENT LITIGATION

Case No. 3:11-cv-01810-DMS-WVG

**DEFENDANT GRUBHUB
HOLDINGS' NOTICE OF
MOTIONS AND MOTIONS TO
EXCLUDE TESTIMONY AND
EXPERT REPORTS OF DR.
JEFFREY BROWN AND DR. SAM
MALEK**

DATE: October 26, 2018

TIME: 1:30 p.m.

LOCATION: Courtroom 13A

JUDGE: Hon. Dana Sabraw

1 TO THE COURT, ALL PARTIES, AND TO THEIR RESPECTIVE
 2 ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE on October 26, 2018 at 1:30 p.m. in the United
 4 States District Court for the Southern District of California at 940 Front Street, San
 5 Diego, CA 92101-8900 before the Honorable Dana M. Sabraw, GrubHub Holdings
 6 Inc. (f/k/a GrubHub, Inc. and f/k/a Seamless North America, LLC) (collectively
 7 “Grubhub”) moves to exclude the testimony and expert reports of Dr. Jeffrey
 8 Brown and of Dr. Sam Malek.
 9
 10

11 This Motion is based on the attached Memorandum of Points and
 12 Authorities, and the exhibit attached thereto, the pleadings and papers on file
 13 herein, and upon such further argument and authorities as the Court may request or
 14 permit to be presented in connection with this matter. GrubHub Holdings has
 15 submitted via e-mail a Proposed Order herewith.
 16
 17

18 Respectfully submitted,

19 DATED: September 17, 2018

BAKER BOTTS L.L.P.

20 By: /s/ Elizabeth K. Boggs

21
 22 Robert C. Scheinfeld
 23 Eliot D. Williams
 24 Eric J. Faragi
 Elizabeth K. Boggs

25 Attorneys for GrubHub Holdings Inc.
 26 f/k/a GrubHub, Inc. and
 27 f/k/a Seamless North America, LLC
 28

CERTIFICATE OF SERVICE

The undersigned certifies that counsel of record who are deemed to have consented to electronic service are being served on September 17, 2018, with a copy of this document via the Court's CM/ECF system per Local Rules.

By: /s/ Elizabeth K. Boggs
Elizabeth K. Boggs